

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**IFS FINANCIAL CORPORATION,  
CIRCLE INVESTORS,  
COMSTAR MORTGAGE CORPORATION  
IFS INSURANCE HOLDINGS CORPORATION,  
INTERSTATE INVESTMENT CORP.,  
INTERAMERICAS, LTD.,  
INTERAMERICAS INVESTMENTS, LTD.  
INTERAMERICAS HOLDINGS, INC.  
INTERAMERICAS FINAN. HOLDINGS CORP.,  
INTERAMERICAS CORPORATION,  
AMPER INTERNATIONAL, LTD.,  
AMPER, LTD.,  
INV CAPITAL, LTD.,  
INV SERVICES, LTD.,  
ORBOST, LTD.,  
MP CORP.,**

## DEBTORS

AND

IN RE

**ENRIQUE PIMIENTA,**

**DEBTOR**

AND

**IN RE**

**ARTURO PIMIENTA,**

**DEBTOR**

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental setup and the procedures followed during the study.

3. The third part of the document presents the results of the study, showing the data collected and the analysis performed. It includes tables and graphs to illustrate the findings.

4. The fourth part of the document discusses the implications of the results and the conclusions drawn from the study. It highlights the significance of the findings and their potential applications.

5. The fifth part of the document provides a summary of the key points discussed throughout the document. It reiterates the main findings and the conclusions reached.

6. The sixth part of the document includes a list of references to the sources used in the study. It provides a comprehensive overview of the literature related to the topic.

7. The seventh part of the document contains a list of figures and tables, providing a visual representation of the data and results.

8. The eighth part of the document includes a list of appendices, providing additional information and data that support the main findings of the study.

9. The ninth part of the document contains a list of footnotes, providing further details and clarifications on specific points mentioned in the text.

10. The tenth part of the document includes a list of acknowledgments, thanking the individuals and organizations that provided support and assistance during the study.

11. The eleventh part of the document contains a list of references, providing a comprehensive overview of the literature related to the topic.

12. The twelfth part of the document includes a list of figures and tables, providing a visual representation of the data and results.

13. The thirteenth part of the document contains a list of appendices, providing additional information and data that support the main findings of the study.

14. The fourteenth part of the document includes a list of footnotes, providing further details and clarifications on specific points mentioned in the text.

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17. The seventeenth part of the document contains a list of figures and tables, providing a visual representation of the data and results.

18. The eighteenth part of the document includes a list of appendices, providing additional information and data that support the main findings of the study.

19. The nineteenth part of the document contains a list of footnotes, providing further details and clarifications on specific points mentioned in the text.

20. The twentieth part of the document includes a list of acknowledgments, thanking the individuals and organizations that provided support and assistance during the study.

**CASE NO. 02-39553-H1-7**  
**CASE NO. 04-34514-H1-7**  
**CASE NO. 04-34515-H1-7**  
**CASE NO. 04-34516-H1-7**  
**CASE NO. 04-34517-H1-7**  
**CASE NO. 04-34519-H1-7**  
**CASE NO. 04-34520-H1-7**  
**CASE NO. 04-34521-H1-7**  
**CASE NO. 04-34522-H1-7**  
**CASE NO. 04-34524-H1-7**  
**CASE NO. 04-34525-H1-7**  
**CASE NO. 04-34526-H1-7**  
**CASE NO. 04-34527-H1-7**  
**CASE NO. 04-34528-H1-7**  
**CASE NO. 04-34529-H1-7**  
**CASE NO. 04-34530-H1-7**

## JOINTLY ADMINISTERED

**CASE NO. 05-30565-H5-7**

**CASE NO. 04-36227-H1-11**

**BRIEF IN SUPPORT OF EMERGENCY JOINT MOTION FOR  
CLARIFICATION AND ORDER OF RELIEF**

COME NOW ENRIQUE PIMIENTA, ARTURO PIMIENTA and HUGO PIMIENTA (collectively referred to as “the three individuals”), and W. STEVE SMITH, TRUSTEE (“Smith”) and HOWARD EHRENBURG, TRUSTEE, (“Ehrenberg”) (collectively referred to as “the Trustees”), and file this their Brief in Support of Emergency Joint Motion for Clarification and Order of Relief pursuant to the request of the Court in its Order Requiring Further Pleading entered on June 10, 2008 (Document 626).

1. First, there is no necessity of filing the motion in the Central District of California in the Hugo Pimienta bankruptcy proceeding. There is nothing remaining to be done in the California bankruptcy proceeding or by Ehrenberg except to receive his percentage of funds resulting from Smith’s recoveries in the IFS-related cases. **Chapter 7 Trustees Agreement Regarding Joint Prosecution, Pooling of Confidential Information and Multi-Jurisdiction and Cross Border Insolvency Protocol, Para. 3 (Document 538)**. Smith has a number of adversary proceedings and other matters to pursue. The necessity of participation by Hugo Pimienta, as well as Enrique and Arturo Pimienta cannot be overemphasized. Smith is entitled to that unfettered participation and his estates as well as that of Ehrenberg have paid a high price for such unfettered participation:

Concurrent with the execution of this Agreement, Pimienta (Hugo) shall commence providing to the Trustees, and each of them, assistance with regard to their respective efforts to recover, collect and retain monies and damages from third parties, whether by way of judgment, award or settlement.

**Settlement Agreement, Par. 6, as part of Trustee’s Joint Motion (Docket 435) approved by Order of this Court on July 25, 2006 (Docket 474).**

The price paid was the dismissal of the Trustees’ § 727 action against Hugo Pimienta which included the Jacuzzi Family’s § 727 action against Hugo Pimienta which, by Court Order, was assigned to the Trustees. Therefore, this Court approved the settlement which disposed of the allegations made the basis of the Jacuzzi Family’s Mexican complaint and this Court retained jurisdiction to oversee that assistance and to determine the credits to be awarded for such assistance. **Settlement Agreement, Pars. 6 and 7**. It is this Court, not the Bankruptcy Court in California, overseeing the Court-ordered relationship between Smith and Hugo Pimienta.

Therefore, the interference with that relationship by the Jacuzzi Family belongs in the Southern District of Texas, and not in the Central District of California.

2. In addition, not only is the Jacuzzi Family interfering with that agreement, approved by this Court, but the Jacuzzi Family is seeking to extort money from Hugo Pimienta, which, if it exists, can only be from money or properties which would be property of this estate, not of the Hugo Pimienta estate. This Court, therefore, has jurisdiction over the property which the Jacuzzi Family seeks to convert. Their lack of standing, in view of their § 727 assignment to the Trustees and the Trustees' settlement thereof, is an effort also to undo this Court's Order approving the settlement.

3 In addition to the aforesaid jurisdictional grounds, the Jacuzzi Family is violating the discharge injunction of all three individuals.

4. This Court has the requisite jurisdiction to hear this matter, to enforce and implement its Orders, to preserve property of the estate (the alleged concealed money and the causes of action being pursued by Smith) and give effect to the discharges granted.

Respectfully submitted,

/s/ Margaret M. McClure

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed either electronically or by U.S. mail, or registered mail, if out of the United States, to the parties in interest as set out on the attached matrix, this 11th day of June, 2008.

/s/ Margaret M. McClure

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MARGARET M. MCCLURE